

MINUTES
LANCASTER COUNTY BOARD OF COMMISSIONERS
TUESDAY, FEBRUARY 8, 2005
COUNTY COMMISSIONERS HEARING ROOM, ROOM 112
FIRST FLOOR, COUNTY-CITY BUILDING
1:30 P.M.

Commissioners Present: Larry Hudkins, Chair
Deb Schorr, Vice Chair
Bob Workman

Commissioners Absent: Bernie Heier
Ray Stevens

Others Present: Kerry Eagan, Chief Administrative Officer
Bruce Medcalf, County Clerk
Kristy Mundt, Deputy County Attorney
Trish Owen, Chief Deputy County Clerk
Gwen Thorpe, Deputy Chief Administrative Officer

The Board of Commissioners meeting was called to order at 1:30 p.m..

- 1) **MINUTES: Approval of the minutes of the Board of Commissioners meeting held on Tuesday, February 1, 2005.**

MOTION: Workman moved and Schorr seconded approval of the minutes of the Board of Commissioners meeting dated February 1, 2005. Schorr, Workman and Hudkins voted aye. Motion carried.

- 2) **SPECIAL PRESENTATIONS:**

A. The Commissioners Award of Excellence was presented to Shawn Oglesby, Juvenile Detention Officers, Youth Services Center for January, 2005.

- 3) **PUBLIC COMMENT:**

There was no public comment and the meeting proceeded as planned.

4) **CLAIMS FOR REVIEW:**

- A. Payment Voucher 782-6985, dated December 13, 2004 - Families First and Foremost has requested payment to Visinet, Inc., in the amount of \$601.01 for services provided during May, 2003. The claim is beyond the 90 day time period (see Neb. Rev. Stat. §23-135).
- B. Payment Voucher 782-6922, dated December 6, 2004 - Families First and Foremost has requested payment to Cedars Youth Services, in the amount of \$588 for services provided during June, 2004. The claim is beyond the 90 day time period (see Neb. Rev. Stat. §23-135).
- C. A payment voucher dated January 3, 2005 - Families First and Foremost has requested payment to BryanLGH Medical Center, in the amount of \$2,745, for services provided during June, 2004. The claim is beyond the 90 day time period (see Neb. Rev. Stat. §23-135).

The Chair requested Items 4A through 4C be read together.

MOTION: Workman moved and Schorr seconded denial of the following: Payment Voucher 782-6985, dated December 13, 2004, to Visinet, Inc., in the amount of \$601.01; Payment Voucher 782-6922, dated December 6, 2004, to Cedars Youth Services, in the amount of \$588; a Payment Voucher, dated January 3, 2005, to BryanLGH Medical Center, in the amount of \$2,745. Workman, Schorr and Hudkins voted aye. Motion carried.

5) **CLAIMS:** Approval of all claims processed through Tuesday, February 8, 2005.

MOTION: Workman moved and Schorr seconded approval of all claims processed through February 8, 2005. Workman, Schorr and Hudkins voted aye. Motion carried.

6) **PUBLIC HEARINGS:**

A. Continuation of a public hearing regarding an application for Corporate Manager for Benjamin M. Lynch in connection with a Class B (Beer Off Sale Only) and a Class M (Bottle Club) liquor license for Lee Ann, Inc. d/b/a Merle's Food & Drink, located at 8250 West "O" Street, Lincoln, Lancaster County, Nebraska. (See New Business Item 7A for correlating resolution.)

The Chair reconvened the public hearing and asked if anyone wished to testify in favor, opposition or in a neutral position.

No one appeared and the hearing was closed.

B. Revisions to the Lancaster County General Assistance Guidelines. (A copy of the proposed revisions is on file in the Lancaster County Clerk's Office.)

The Chair opened the public hearing.

The Clerk administered the oath to Gary Chalupa with the County Veterans Service and General Assistance.

Chalupa gave a brief overview of the General Assistance program outlining the most significant changes in the program as follows:

- ▶ Specific definition of "Temporary Assistance" (Page 4, Section 1:120)
- ▶ Definition of "Legal Settlement" (Page 7, Section 2:101)
- ▶ Adjustments to the equity of values as outlined under "Exempt Resources" (Page 9, Section 2:106)
- ▶ Increase in amount allowed for rental assistance (Page 13, Section 2:202)
- ▶ Ineligible Applicants (Page 16, Section 2:300)
- ▶ Disqualification (Page 18, Section 2:303)
- ▶ Determination of Benefits (Page 21, Section 2:500)
- ▶ Burials (Recommendation that the County adopt a policy that allows only for cremation unless otherwise required for legal purposes.) (Page 32)

The Chair asked if anyone else wished to testify.

No one appeared and the hearing was closed.

6) **PUBLIC HEARINGS CONTINUED:**

MOTION: Schorr moved and Workman seconded approval of the Lancaster County General Assistance Guidelines as revised and presented by the Director of Veterans Service and General Assistance.

Kristy Mundt, Deputy County Attorney, suggested the Board place the adoption of the revised guidelines on next week's agenda (February 15, 2005), with an effective date of February 16, 2005.

Both the maker of the motion and the seconder concurred to withdraw the motion.

C. County Special Permit 04047, North Branched Oak Estates Community Unit Plan, requested by Brian D. Carstens and Associates on behalf of Robert and Michelle Benes, for nine residential acreage units and associated waiver requests, on property generally located southwest of the intersection of Northwest 84th Street and West Rock Creek Road in Lancaster County, Nebraska. (See New Business Item 7B for correlating resolution.)

D. County Preliminary Plat 04021, North Branched Oak Estates, requested by Brian D. Carstens and Associates on behalf of Robert and Michelle Benes, for nine residential acreage lots and associated waiver requests, on property generally located southwest of the intersection of Northwest 84th Street and West Rock Creek Road in Lancaster County, Nebraska. (See New Business Item 7C for correlating resolution.)

Board consensus was to hearing Public Hearing Items 6C and 6D together.

The Chair opened the public hearings.

The Clerk administered the oath to Brian Carstens, appearing on behalf of Robert and Michelle Benes.

Carstens gave a brief overview of the proposals noting that there is a designated well field (Outlot B) in the event property owners living at the top of the hill have problems getting water. He stated easements are in place for the well field and for water lines.

The Chair asked if anyone else wished to testify.

6) **PUBLIC HEARINGS CONTINUED:**

No one appeared and the hearings were closed.

7) **NEW BUSINESS:**

A. A resolution in the matter of an application for Corporate Manager for Benjamin M. Lynch in connection with a Class B (Beer Off Sale Only) and a Class M (Bottle Club) liquor license for Lee Ann, Inc. d/b/a Merle's Food & Drink, located at 8250 West "O" Street, Lincoln, Lancaster County, Nebraska. (R-05-0015)

MOTION: Schorr moved and Workman seconded approval of Resolution 05-0015 in the matter of an application for Corporate Manager for Benjamin M. Lynch in connection with a Class B and a Class M liquor license for LeeAnn, Inc. d/b/a Merle's Food & Drink, located at 8250 West "O" Street, Lincoln, Lancaster County, Nebraska. Workman, Schorr and Hudkins voted aye. Motion carried.

B. A resolution in the matter of County Special Permit 04047, requested by Brian D. Carstens and Associates on behalf of Robert and Michelle Benes, to create nine residential acreage units, on property generally located southwest of the intersection of Northwest 84th Street and West Rock Creek Road in Lancaster County, Nebraska. (R-05-0013)

C. A resolution in the matter of County Preliminary Plat 04021, North Branched Oak Estates, requested by Brian D. Carstens and Associates on behalf of Robert and Michelle Benes, for nine residential acreage lots on property generally located southwest of the intersection of Northwest 84th Street and West Rock Creek Road in Lancaster County, Nebraska. (R-05-0014)

The Clerk read New Business Items 7B and 7C together.

MOTION: Workman moved and Schorr seconded approval of Resolution 05-0013 in the matter of County Special Permit 04047 and Resolution 05-0014 in the matter of County Preliminary Plat 04021, North Branched Oak Estates. Schorr, Workman and Hudkins voted aye. Motion carried.

7) NEW BUSINESS CONTINUED:

- D. An application for a special events permit from Midwest Wheel Events to hold a bicycle race on Saturday, April 16, 2005 from 9 a.m. to 12 p.m. and from 3 p.m. to 5 p.m. around Branched Oak Lake. The race will begin at Lieber's Point and proceed clockwise around the lake on Northwest 140th Street, West Davey Road, Northwest 98th Street and West Raymond Road and end at Lieber's Point.**

John Lefler, Jr. appeared and stated he would like to amend the hours the race will be held. He explained that they have the opportunity to team up with the University of Nebraska cycling team for a collegiate event to include college teams from South Dakota, North Dakota, Kansas, Iowa, Missouri and possibly Colorado. In addition, they have been approved for the Lance Armstrong Junior Olympic Race Series designation for teenage riders to compete in the event. Lefler stated he would like to extend the time from 8 a.m. to 7 p.m..

MOTION: Workman moved and Schorr seconded approval of the application for a special events permit from Midwest Wheel Events to hold a bicycle race on April 16, 2005 from 7 a.m. to 7 p.m.. Schorr, Workman and Hudkins voted aye. Motion carried.

- E. Signature amendments for Wells Fargo authorizing Larry Hudkins, as the County Board Chair, to sign on behalf of the County for transactions on both of its accounts with the bank. The amendment also deletes Ray Stevens as an authorized signer for the accounts. (C-05-0064 and C-05-0065)**

MOTION: Workman moved and Schorr seconded approval of signature amendments for Wells Fargo authorizing Larry Hudkins, as the County Board Chair, to sign on behalf of the County for transactions on both of its accounts with the bank. The amendment also deletes Ray Stevens as an authorized signer for the accounts. Workman, Schorr and Hudkins voted aye. Motion carried.

- F. Letter agreement with Dana Cole and Company, L.L.C. for audit services at the Lancaster County Sheriff's Office. The County will pay up to \$6,000 for the services. (C-05-0066)**

7) **NEW BUSINESS CONTINUED:**

MOTION: Workman moved and Schorr seconded approval of a letter agreement with Dana Cole and Company, L.L.C. for audit services at the Lancaster County Sheriff's Office. The County will pay up to \$6,000 for the services. Workman, Schorr and Hudkins voted aye. Motion carried.

G. An interlocal agreement with the City of Lincoln and United Way of Lincoln to jointly provide funding for a contract with the Public Policy Center for implementation of the Community-Based Human Services Needs Assessment. The City of Lincoln and Lancaster County will each pay \$15,833 and the United Way of Lincoln will pay \$15,834, for a total contract cost of \$47,500. Term of the agreement is July 1, 2004 to December 31, 2004. (C-05-0067)

MOTION: Schorr moved and Workman seconded approval of an interlocal agreement with the City of Lincoln and United Way of Lincoln to jointly provide funding for a contract with the Public Policy Center for implementation of the Community-Based Human Services Needs Assessment. Schorr, Workman and Hudkins voted aye. Motion carried.

H. An agreement with the Lancaster County Medical Society (LCMS) to enroll qualified Lancaster County General Assistance clients in national pharmaceutical discount programs. Term of the agreement is September 1, 2004 through June 30, 2005. The County will reimburse LCMS based upon the established rates for each program. (C-05-0068)

MOTION: Workman moved and Schorr seconded approval of an agreement with the Lancaster County Medical Society (LCMS) to enroll qualified Lancaster County General Assistance clients in national pharmaceutical discount programs. Workman, Schorr and Hudkins voted aye. Motion carried.

I. A grant contract with Southeast Community College for the "Language for the World of Work" series which teaches English as a Second Language courses to 100 refugee participants, in the amount of \$36,880. Term of the grant contract is October 1, 2004 through September 30, 2005. (C-05-0069)

7) **NEW BUSINESS CONTINUED:**

MOTION: Schorr moved and Workman seconded approval of a grant contract with Southeast Community College for the "Language for the World of Work" series which teaches English as a Second Language courses to 100 refugee participants, in the amount of \$36,880. Workman, Schorr and Hudkins voted aye. Motion carried.

J. Utility Relocation Agreement, Project No. C55-P-407(2), Old Cheney Road, South 148th Street to South 190th Street, between the County of Lancaster and the Lancaster Rural Water District No. 1 of Bennet, Nebraska. The total amount of the project is estimated at \$94,800, of which \$82,125 is estimated to be the share of the cost chargeable to the County. (C-05-0070)

MOTION: Workman moved and Schorr seconded approval of a utility relocation agreement for Project No. C55-P-407(2), Old Cheney Road, South 148th Street to South 190th Street, between the County of Lancaster and the Lancaster Rural Water District No. 1 of Bennet, Nebraska. Workman, Schorr and Hudkins voted aye. Motion carried.

K. Utility Relocation Agreement, Project No. C55-P-427(1), Rokeby Road, South 56th Street to South 70th Street, between the County of Lancaster and the Norris Public Power District of Beatrice, Nebraska. The total amount of the project is estimated at \$101,333.81, of which \$54,858.24 is estimated to be the share of the cost chargeable to the County. (C-05-0071)

MOTION: Schorr moved and Workman seconded approval of utility relocation agreement for Project No. C55-P-427(1), Rokeby Road, South 56th Street to South 70th Street, between the County of Lancaster and the Norris Public Power District of Beatrice, Nebraska. Workman, Schorr and Hudkins voted aye. Motion carried.

7) **NEW BUSINESS CONTINUED:**

L. Utility Relocation Agreement, Project No. C55-P-427(1), Rokeby Road, South 56th Street to South 70th Street, between the County of Lancaster and the Lancaster Rural Water District No. 1 of Bennet, Nebraska. The total amount of the project is estimated at \$30,250, of which \$13,650 is estimated to be the share of the cost chargeable to the County. (C-05-0072)

MOTION: Workman moved and Schorr seconded approval of a utility relocation agreement for Project No. C55-P-427(1), Rokeby Road, South 56th Street to South 70th Street, between the County of Lancaster and the Lancaster Rural Water District No. 1 of Bennet, Nebraska. Workman, Schorr and Hudkins voted aye. Motion carried.

M. Kodak equipment maintenance agreement for the Kodak 9610 Archive Writer utilized by Lancaster County Records Management for a one year term, effective September 1, 2004. The County will pay \$5,203 for the services. (C-05-0084)

In response to a question asked by Schorr, Brian Pillard, Records and Information Management Manager, explained they have had \$6,000 worth of repairs to the equipment since September of 2004. He stated if the Board chooses not to approve the maintenance agreement, the County will incur the \$6,000 worth of repairs, in addition to the cost of any future repairs.

MOTION: Schorr moved and Workman seconded approval of a Kodak equipment maintenance agreement for the Kodak 9610 Archive Writer utilized by Lancaster County Records Management for a one year term, effective September 1, 2004. Workman, Schorr and Hudkins voted aye. Motion carried.

N. Approval of Unit Price Contracts for miscellaneous carpet cleaning services with the following:

- ▶ X-TRA-Kleen, Inc. (C-05-0085)
- ▶ CleanMax - Lincoln Janitorial Services (C-05-0086)
- ▶ The Cleaning Outlet Inc. (C-05-0087)

MOTION: Schorr moved and Workman seconded approval of unit price contracts for miscellaneous carpet cleaning services with X-TRA-Kleen, Inc., CleanMax - Lincoln Janitorial Services and The Cleaning Outlet, Inc.. Schorr, Workman and Hudkins voted aye. Motion carried.

7) **NEW BUSINESS CONTINUED:**

O. Authorization of Wells Fargo Bank, as trustee, to disburse and make payment from the Lancaster County Limited Tax Building 2004 Construction Fund to the following payees:

- ▶ Don McKinney, Inc., in the amount of \$60,678, for the vehicle storage building for the Lancaster County Sheriff's Office.
- ▶ Sinclair Hille Architects, in the amount of \$720, for architectural services for the Lancaster County Sheriff's vehicle garage.
- ▶ Cheever Construction, in the amount of \$70,995.60, for payment on the rehabilitation of the old Attention Center for the CenterPointe Project.

Total payment request is \$132,393.60.

MOTION: Workman moved and Schorr seconded approval of the authorization of Wells Fargo Bank to disburse and make payment from the Lancaster County Limited Tax Building 2004 Construction Fund to Don McKinney, Inc., in the amount of \$60,678; Sinclair Hille Architects, in the amount of \$720 and Cheever Construction, in the amount of \$70,995.60. Workman, Schorr and Hudkins voted aye. Motion carried.

P. Setting the salary of Eric Miller at \$58,000 as an attorney in the Lancaster County Attorney's Office, effective February 8, 2005.

MOTION: Workman moved and Schorr seconded approval to set the salary of Eric Miller at \$58,000 as an attorney in the Lancaster County Attorney's Office, effective February 8, 2005. Schorr, Workman and Hudkins voted aye. Motion carried.

Q. Recommendations from the Keno Human Services Fund Advisory Board to award grants for Fiscal Year 2004/2005 to the following agencies from the Keno Prevention Fund:

Continuation Grants

Lincoln Literacy Council, in the amount of \$1,000

Lincoln Sports Foundation, in the amount of \$3,000

Nebraska Council on Compulsive Gambling (2 proposals), in the amount of \$4,375

Saint Elizabeth's Foundation - COPED, in the amount of \$950

New Grants

Nebraska Council on Compulsive Gambling, in the amount of \$6,025

Asian Community and Cultural Center, in the amount of \$3,890

Bright Lights, Inc., in the amount of \$1,610

CASA for Lancaster County, in the amount of \$6,250

7) **NEW BUSINESS CONTINUED:**

CenterPointe, Inc., in the amount of \$3,750
Heartland Big Brothers Big Sisters, in the amount of \$7,500
Lincoln Housing Charities, in the amount of \$2,000
Lincoln Sports Foundation, in the amount of \$3,000
People's City Mission, in the amount of \$4,000
St. Monica's Behavioral Health Services for Women, in the amount of \$5,000
Sunrise Communications Inc. - KZUM 89.3 FM, in the amount of \$3,750
YWCA of Lincoln, in the amount of \$2,500

Total amount allocated is \$58,600.

MOTION: Schorr moved and Workman seconded to award grants for Fiscal Year 2004-2005 from the Keno Prevention Fund as recommended by the Keno Human Services Fund Advisory Board. Workman, Schorr and Hudkins voted aye. Motion carried.

R. A political subdivision tort claim filed against the Lancaster County Corrections Department by Bud King for lost property, in the amount of \$7.70.

MOTION: Workman moved and Schorr seconded to accept the recommendation from the Corrections Director and deny a political subdivision tort claim filed against the Lancaster County Corrections Department by Bud King for lost property, in the amount of \$7.70. Workman, Schorr and Hudkins voted aye. Motion carried.

8) **CONSENT ITEMS:** These are items of business that are routine which are expected to be adopted without dissent. Any individual item may be removed for special discussion and consideration by a Commissioner or by any member of the public without prior notice. Unless there is an exception, these items will be approved as one with a single vote of the Board of Commissioners. These items are approval of:

A. Receive and Place on File:

1. **County Clerk's Monthly Report for January, 2005.**
2. **Lancaster Manor's Monthly Report.**
3. **Financial Statements and Supplementary Information for the year ended September 30, 2004 for the City of Hickman.**
4. **Assessor/Register of Deeds Monthly Report for January, 2005.**

8) **CONSENT ITEMS CONTINUED:**

B. Setting of public hearings for Tuesday, February 22, 2005 at 1:30 p.m. in the County Commissioners Hearing Room, Room 112, on the first floor of the County-City Building regarding the following:

1. County Final Plat 04134, Masek's 1st Addition, requested by Brian D. Carstens and Associates on behalf of 3801 Harney, L.L.C., consisting of nine lots on 101.22 acres, more or less, on property generally located southeast of the intersection of Northwest 27th Street and West Mill Road in Lancaster County, Nebraska.
2. Adoption of a resolution to impose an additional sales tax of not to exceed two percent following the establishment of a County Visitors' Improvement Fund, pursuant to Neb. Rev. Stat. §81-1254(2) (Supp. 2003).

C. Right-of-way contracts relating to road improvements between the Lancaster County Engineering Department and the following individuals:

- ▶ Elmer and Beverly Melichar, in the amount of \$13,375, at 70th and West "O" Street. This is for the purchase of a stockpile site around Middle Creek and Highway 6. (C-05-0073)
- ▶ Clifford and Jacqueline Wolfe, in the amount of \$83.80, 1,245 feet west of North 84th Street on Mill Road; Project No. C.P.G-235. (C-05-0074)
- ▶ James Mitchell, in the amount of \$323, 1749 feet west of Northwest 112th Street on West Little Salt Road; Project No. C.P.D-197. (C-05-0075)
- ▶ Doris and Steve Fosbender, in the amount of \$64, 1304 feet south of Firth Road on South 96th Street; Project No. C.P.X-105. (C-05-0076)
- ▶ Shirley Bevans, in the amount of \$100, 3929 feet north and 690 feet northeast of Waverly Road on North 148th Street; Project No. C.P.H-123. (C-05-0077)
- ▶ Robert and Cindy Arias, in the amount of \$890, ½ mile east of North 1st Street and Agnew Road; Project No. C.P.C-136. (C-05-0078)
- ▶ Dale and Mabel Cheney, 239 feet north of Saltillo Road on South 148th Street; Project No. C.P.Q-168. This is a land donation. (C-05-0079)
- ▶ Vera Halling, 1350 feet north of Davey Road on North 70th Street; Project No. C.P.B-35. This is a land donation. (C-05-0080)
- ▶ B & B Grain Corporation, 3929 feet north and 690 feet northeast of Waverly Road on North 148th Street; Project No. C.P.H-123. This is a land donation. (C-05-0081)
- ▶ Marvin and Sondra Kemper, in the total amount of \$11,957.60, on Old Cheney Road between South 148th and South 190th Streets; Project No C55-Q-407(2). (2 contracts) (C-05-0082 and C-05-0083)

8) **CONSENT ITEMS CONTINUED:**

MOTION: Schorr moved and Workman seconded approval of the Consent Items. Schorr, Workman and Hudkins voted aye. Motion carried.

9) **ADJOURNMENT:**

MOTION: Schorr moved and Workman seconded adjournment of the Board of Commissioners meeting at 2:28 p.m.. Schorr, Workman and Hudkins voted aye. Motion carried.

Bruce Medcalf
County Clerk

**MINUTES
LANCASTER COUNTY BOARD OF EQUALIZATION
TUESDAY, FEBRUARY 8, 2005
COUNTY COMMISSIONERS HEARING ROOM, ROOM 112
FIRST FLOOR, COUNTY-CITY BUILDING
IMMEDIATELY FOLLOWING THE REGULAR BOARD OF COMMISSIONERS
MEETING**

Commissioners Present: Larry Hudkins, Chair
Deb Schorr, Vice Chair
Bob Workman

Commissioners Absent: Bernie Heier
Ray Stevens

Others Present: Norm Agena, County Assessor/Register of Deeds
Kerry Eagan, Chief Administrative Officer
Bruce Medcalf, County Clerk
Kristy Mundt, Deputy County Attorney
Trish Owen, Chief Deputy County Clerk
Gwen Thorpe, Deputy Chief Administrative Officer

The Board of Equalization was called to order at 2:28 p.m..

- 1) **MINUTES: Approval of the minutes of the Board of Equalization meeting held on Tuesday, February 1, 2005.**

MOTION: Workman moved and Schorr seconded approval of the minutes of the Board of Equalization meeting dated February 1, 2005.

- 2) **PUBLIC COMMENT:**

There was no public comment and the meeting proceeded as planned.

- 3) **ADDITIONS AND DEDUCTIONS:**

Approval of 360 additions and deductions to the tax assessment rolls per Exhibit A.

MOTION: Workman moved and Schorr seconded approval of the additions and deductions to the tax assessment rolls. Workman, Schorr and Hudkins voted aye. Motion carried.

4) **MOTOR VEHICLE TAX EXEMPTIONS:**

**Church of Jesus Christ of Latter-day Saints
St. Paul's Lutheran Church
Wyuka Cemetery**

MOTION: Schorr moved and Workman seconded approval of the motor vehicle tax exemptions. Workman, Schorr and Hudkins voted aye. Motion carried.

5) **ADJOURNMENT:**

MOTION: Schorr moved and Workman seconded adjournment of the Board of Equalization meeting at 2:30 p.m.. Workman, Schorr and Hudkins voted aye. Motion carried.

Bruce Medcalf
County Clerk